#### Governor's Executive Orders/Proclamations

# EXECUTIVE ORDERS, PROCLAMATIONS OF GENERAL APPLICABILITY, AND STATEMENTS ISSUED BY THE GOVERNOR PURSUANT TO A.R.S. § 41-1013(B)(3)

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

# DECLARATION OF EMERGENCY \* COCONINO COUNTY CAMPBELL AVENUE FLOODING \*

[M11-343]

WHEREAS, on September 13, 2011, a powerful seasonal monsoon rain passed over areas in Coconino County that were severely burned by the Schultz Fire; and

WHEREAS, the heavy rains resulted in significant flooding and debris flow which caused significant damage to several major roads in the Timberline, Hutchison Acres and Wupatki Trails areas; and

**WHEREAS**, the debris and heavy sediment flow also damaged several portions of the Lower Campbell Avenue, as well as other areas that were impacted during a summer 2010 declared emergency and are subject to repeated damage from floods off the Schultz Fire burn areas; and

WHEREAS, the flooding threatened lives in the area and the County Sheriff's office was mobilized to close impacted roads and mobilize Search and Rescue to be on standby; and

WHEREAS, the Coconino County Board of Supervisors have declared a State of Emergency for their County for the flooding and condition of critical infrastructure; and

WHEREAS, the Governor is authorized to declare an emergency pursuant to A.R.S. § 26-303(D); and

WHEREAS, the Legislature has authorized the expenditure of funds in an event of an emergency pursuant to A.R.S. § 35-192.

**NOW, THEREFORE, I**, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby determine that the flooding event in northern Coconino County justifies a declaration of a State of Emergency, pursuant to A.R.S. § 26-303(D), and I do hereby:

- a. Declare that a State of Emergency exists in Coconino County due to flooding, effective September 13, 2011; and
- b. Direct that the sum of \$200,000 from the General Fund be made available to the Director of the Arizona Division of Emergency Management to be expended in accordance with A.R.S. § 35-192, A.A.C. R8-2-301 to 321, and Executive Order 79-4; and
- c. Direct that the State of Arizona Emergency Response and Recovery Plan be used to direct and control state and other assets and authorize the Director of the Arizona Division of Emergency Management to coordinate state assets.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this thirtieth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

## **Governor's Executive Orders/Proclamations**

#### \* ARIZONA BIOSCIENCE DAYS \*

[M11-335]

WHEREAS, bioscience is one of the fastest growing sectors of Arizona's economy, providing economic development and employment opportunities across our state; and

WHEREAS, bioscience research is leading to the availability of new medical treatments for citizens of Arizona and beyond; and

WHEREAS, researchers, entrepreneurs and business and government leaders from across Arizona are working cooperatively to develop and commercialize new advancements in healthcare, energy and agriculture for the benefit of Arizonans and the world; and

WHEREAS, Arizona researchers have been awarded millions of dollars in government and private grants to further their work, and businesses have raised millions of dollars in investment capital to commercialize that research; and

WHEREAS, on October 13-14, 2011, the Arizona BioIndustry Association will assemble this vibrant community to celebrate the achievements of Arizona's Bioscience leaders and the companies and individuals who are fueling Arizona's bioscience growth.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 13-14, 2011 as

#### \* ARIZONA BIOSCIENCE DAYS \*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this twenty-seventh day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

## \* ARIZONA BREAST CANCER AWARENESS MONTH \*

[M11-336]

WHEREAS, a woman receives a diagnosis of breast cancer every two minutes, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancers; and

**WHEREAS**, it is estimated that by the end of 2011, approximately 4,240 new cases of invasive breast cancer are projected to occur among women in the State of Arizona, and about 760 will die from the disease; and

WHEREAS, through research and advocacy, significant advances have been made in the fight against breast cancer, including an increase in five-year relative survival rates for localized breast cancer from 74 percent to 98 percent; and

WHEREAS, the 2.5 million breast cancer survivors living in the U.S. today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected; and

WHEREAS, the efforts of various organizations have made a major contribution to spreading breast cancer awareness to both women and men in all communities in this State through outreach, education and screening programs, and have empowered women with the life-saving message of early detection and the importance of having annual mammograms; and

**WHEREAS**, screening rates are declining and a recent study reveals that among the 1.5 million women studied over the age of 40 with health insurance, less than 50 percent received the recommended annual screening; and

WHEREAS, throughout the month of October, women are encouraged to make a renewed commitment to following recommended screening guidelines and to make a mammogram appointment, and organizations and health practitioners in this State are encouraged to use this opportunity to promote awareness about breast cancer and proper breast health, and to

#### Governor's Executive Orders/Proclamations

encourage annual mammograms; and

WHEREAS, the State of Arizona recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 2011 as

#### \* ARIZONA BREAST CANCER AWARENESS MONTH \*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this twenty-seventh day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

#### \* CASE MANAGEMENT WEEK\*

[M11-338]

WHEREAS, the Case Management Society of America (CMSA) is the only international non-profit 501(c)(6), multi-disciplinary, professional organization dedicated to the support and advancement of the case management profession; and

WHEREAS, case management supports patients and their families in navigating the healthcare system; and

WHEREAS, case management decreases the fragmentation of services, encourages health team communication and contributes significantly to patient safety, quality of life and cost-efficient management of limited resources; and

**WHEREAS,** National Case Management Week is celebrated to help unify case management professionals, to educate the public about case management, and to increase awareness and recognition of the significant contributions case managers make to quality healthcare for patients, families, healthcare providers, and payer.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 9-15, 2011 as

#### \* CASE MANAGEMENT WEEK \*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this twenty-seventh day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

#### \* CYBER SECURITY AWARENESS MONTH \*

[M11-337<sup>\*</sup>

WHEREAS, we recognize the vital role that technology has in our daily lives and in the future of our State and Nation, whereby today many citizens, schools, libraries, businesses and other organizations use the Internet for a variety of tasks, including keeping in contact with family and friends, managing personal finances, performing research, enhancing education and conducting business; and

WHEREAS, critical sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, health care, and emergency response systems; and

#### Governor's Executive Orders/Proclamations

WHEREAS, the use of the Internet at the primary and secondary school levels in this State enhances the education of youth by providing them access to online educational and research materials; and at institutions of higher education, the use of information technology is integral to teaching and learning, research, and outreach and service; and

WHEREAS, internet users and our information infrastructure face an increasing threat of malicious attack by viruses and loss of privacy from spyware and adware and significant financial and personal privacy losses due to identity theft and fraud; and

WHEREAS, the Stop.Think.Connect. Campaign (www.stopthinkconnect.org) is a national effort coordinated by a coalition of private companies, non-profits and government organizations to help all digital citizens stay safer and more secure online; and

WHEREAS, the Multi-State Information Sharing and Analysis Center was established in January 2003 to provide a collaborative mechanism to help state, local, territorial and tribal governments enhance cyber security; and the Arizona State Information Security & Privacy Office provides a comprehensive approach to help enhance the security of this State; and

WHEREAS, the U.S. Cyber Challenge initiative (http://uscyberchallenge.org/) is working to identify 10,000 of America's best and brightest to fill the ranks of cyber security professionals where their skills can be of the greatest value to the nation; and

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role, and awareness of computer security essentials will improve the security of Arizona information infrastructure and economy; and

WHEREAS, the U.S. Department of Homeland Security (www.us-cert.gov), the Multi-State Information Sharing and Analysis Center (www.msisac.org), the National Cyber Security Alliance (www.staysafeonline.org) and the National Association of State Chief Information Officers (www.nascio.org), have declared October as National Cyber Security Awareness Month; and all citizens are encouraged to visit these sites, along with www.azgita.gov/sispo to learn about cyber security and apply that knowledge into practice in their homes, schools, workplaces, and businesses.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 2011 as

#### \* CYBER SECURITY AWARENESS MONTH \*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this twenty-seventh day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

# \* DIVERSITY EMPLOYMENT DAY \*

[M11-339]

WHEREAS, a diverse workplace and "Getting America Back to Work" is an economic necessity; and

WHEREAS, the success of a company in the 21st century depends on its ability to maintain a workforce that mirrors the diverse community it serves; and

**WHEREAS**, the Diversity Employment Day Career Fair will bring together the District's major employers with thousands of qualified diversity professionals; and

**WHEREAS**, the Diversity Employment Day Career Fair will be held at the Lexington Hotel Central Phoenix in Phoenix, Arizona on Wednesday, October 12th, 2011; and

WHEREAS, the Diversity Employment Day Career Fair will offer employment opportunities and career guidance for professionals in accounting, administration, healthcare, hardware and software engineering, finance, information technology,

#### Governor's Executive Orders/Proclamations

law enforcement, management, marketing, sales, network, data and telecommunications.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 12, 2011 as

#### \* DIVERSITY EMPLOYMENT DAY \*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this twenty-seventh day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

#### \* GEOGRAPHY AWARENESS WEEK \*

[M11-340]

WHEREAS, the week of November 13-19, 2011 is designated as Geography Awareness Week; and

WHEREAS, the world is increasingly interconnected and interdependent, but too many student lack understanding of the world's geography within and beyond our country's borders; and

WHEREAS, Geography Awareness Week promotes geographic literacy and education in the nation's schools and communities, which is an essential part of a 21st century education, and has been a congressionally-mandated week since 1987; and

WHEREAS, teachers, students, and communities across Arizona will gain further understanding about how our world is made up of interconnected human and natural systems, with special emphasis this year on the 2011 theme of "community geography," using resources developed by the National Geographic Society and other committed organizations during Geography Awareness Week and throughout the school year.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 13-19, 2011 as

#### \* GEOGRAPHY AWARENESS WEEK \*

and encourage all citizens to participate in this special observance with students, sharing in their geographic research and academic achievement.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this twenty-seventh day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

#### \* MENTAL ILLNESS AWARENESS WEEK \*

[M11-341]

WHEREAS, mental health is critical for the overall health and well-being of our families, businesses and communities; and

WHEREAS, serious mental illnesses are more common than cancer, diabetes and heart disease and are the number one reason for hospital admissions nationwide; and

## **Governor's Executive Orders/Proclamations**

WHEREAS, one in four Americans will experience a mental health disorder in a given year regardless of age, gender, sexual orientation, race, ethnicity, religion or economic status; and

WHEREAS, scientific research is producing tremendous breakthroughs in the understanding of mental illnesses, resulting in more effective treatments that allow people to reclaim full and productive lives; and

WHEREAS, misunderstandings exist about many mental illnesses and our social culture often wrongly imposes stigma on them; and

WHEREAS, substance use and mental disorders are a serious public health issue that deserves the same attention as physical health conditions such as obesity, diabetes and heart disease receive; and

WHEREAS, the Arizona Department of Health Services Division of Behavioral Health, the American Psychiatric Association, the National Alliance on Mental Illness, the National Mental Health Association and their partners celebrate Mental Illness Awareness Week each year in October to raise awareness of mental health, mental health disorders and discrimination against people with mental health disorders.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 2-8, 2011 as

#### \* MENTAL ILLNESS AWARENESS WEEK \*

and encourage all Arizona citizens, government agencies, public and private institutions, businesses and schools in Arizona to recommit our state to increasing awareness and understanding of mental illnesses and meeting the need for appropriate and accessible services for all people with mental health disorders.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this twenty-seventh day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

## \* RETT SYNDROME AWARENESS MONTH \*

[M11-334]

WHEREAS, Rett Syndrome is a devastating neurodevelopmental disorder caused by a mutation of the MECP2 gene that mainly affects females; and

**WHEREAS**, every two hours, a girl is born with Rett Syndrome, but its symptoms usually do not appear until 6 to 18 months of age. This disorder affects families worldwide. It does not discriminate as to race, color or creed, and it has no boundaries; and

WHEREAS, girls are generally born healthy then they begin to show signs of regression. They lose their ability to speak (hence the name "Silent Angels") walk, perform basic motor skills, and develop seizures and scoliosis. Onset and severity varies from child to child; and

WHEREAS, apraxia is one of the symptoms, where there is an inability to carry out purposeful movement; and

WHEREAS, dedicated scientists and researchers from around the United States as well as the world, are working hard to find treatments now in advance to finding a cure. We are on the brink of finding suitable treatments to help with certain symptoms of this disorder; and

**WHEREAS**, public awareness of Rett Syndrome is extended to the medical community, therapists, teachers, caregivers, and the general public, and will continue until there is a world with no Rett.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 2011 as

#### Governor's Executive Orders/Proclamations

#### \* RETT SYNDROME AWARENESS MONTH \*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this twenty-seventh day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

## \* DISABILITY EMPLOYMENT AWARENESS MONTH \*

[M11-344]

WHEREAS, the United States celebrates National Disability Employment Awareness in October of each year; and

**WHEREAS**, since 1945, the United States has recognized the importance of offering employment to persons with disabilities and celebrating efforts annually; and

WHEREAS, the theme of the 2011 National Disability Employment Awareness month is *Profit by Investing in Workers with Disabilities*; and

WHEREAS, current data shows that hiring persons with developmental disabilities in Arizona benefits employers by building a diverse workforce while offering employment to persons with disabilities who in turn are proficient, productive and efficient; and

WHEREAS, Arizona employers who have recognized the significant value in hiring employees with disabilities are not only providing competitive wages and benefits, but are also helping the employee to become a full and active member of the community.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 2011 as

## \* DISABILITY EMPLOYMENT AWARENESS MONTH \*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this twenty-ninth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

## \* ARIZONA INFECTION PREVENTION WEEK \*

[M11-348]

WHEREAS, healthcare-associated infections remain a significant cause of morbidity and mortality for Arizona residents; and

WHEREAS, healthcare-associated infections can cause illness in many settings where the public receives care; and

WHEREAS, healthcare-associated infections increase healthcare costs for Arizona consumers and healthcare systems; and

WHEREAS, knowledge exists that can help healthcare providers and persons receiving care to prevent many healthcare associated infections; and

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WHEREAS, through educational campaigns and directed interventions, the Arizona Healthcare-Associated Infections Advisory Committee, the Arizona Department of Health Services, and APIC Grand Canyon Chapter actively work to reduce healthcare-associated infections in Arizona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 16-22, 2011 as

#### \* ARIZONA INFECTION PREVENTION WEEK \*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix on this third day of October in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST: Ken Bennett Secretary of State

## **EXECUTIVE ORDER 2011-05**

# State Regulatory Rule Making Review and Moratorium To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on June 30, 2012 as a notice to the public regarding state agencies' rulemaking activities.

[M11-234]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent additional and unnecessary burdens on our private sector employers and political subdivisions; and

WHEREAS, other states have since implemented regulatory reviews and moratoriums; and

WHEREAS, the economic climate in Arizona continues to challenge both those seeking employment and our employers, who are the key to increasing job opportunities in this State; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

**WHEREAS**, the Legislature enacted the regulatory review and moratorium for fiscal year 2009 - 2010 by passing House Bill 2008 in the 2009 Third Special Session; and

**WHEREAS**, the Legislature continued the regulatory review and moratorium for fiscal year 2010 - 2011 by passing House Bill 2260 in the 2010 Second Regular Session; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2011; and

WHEREAS, the expiration of the current regulatory review and moratorium could result in a regulatory explosion detrimental to job creation and retention in this State; and

**NOW, THEREFORE,** I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby declare that for fiscal year 2011-2012 ending June 30, 2012, the following:

- 1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
- 2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
  - a. To fulfill an objective related to job creation in this State.
  - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
  - c. To prevent a significant threat to the public health, peace or safety.
  - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal govern-

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- ment against an agency for failure to conduct the rule making action.
- e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2012 or is necessary under subparagraph (c) of this Paragraph.
- f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
- g. To promulgate a rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
- h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
- 3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
- 4. This Order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the corporation commission, or (c) any state agency whose agency head is not appointed by the Governor.
- 5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making processes.
- 6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the Office of Governor by July 29, 2011 all pending rule makings and any pending requests to the Office of Governor for rule making.
- 7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
- 8. For the purposes of this executive order, "person", "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer GOVERNOR

**DONE** at the Capitol in Phoenix, Arizona this 30th day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST: Ken Bennett Secretary of State